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09/613823 07/11/00

UTILITY PATENT APPLICATION TRANSMITTAL		Attorney Docket No.		ELK-002-001	Total Pages		
(Only for new nonprovisional applications under 37 CFR 1.53(b))		First named Inventor or Application Identifier			Geoffrey Hale		
		Title of Invention		CDw52-SPECIFIC ANTIBODY FOR TREATMENT OF MULTIPLE SCLEROSIS			
APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.				ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231			
1. <input checked="" type="checkbox"/> Fee Transmittal Form 2. <input checked="" type="checkbox"/> Specification [Total Pages 8] - Descriptive title of the Invention - Cross References to Related Applications - Statement Regarding Fed sponsored R & D - Reference to Microfiche Appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure 3. <input type="checkbox"/> Formal Drawing(s) (35 USC 113) [Total Sheets *] 4. <input checked="" type="checkbox"/> Oath or Declaration [Total pages 2] a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 17 completed) [Note Box 5 below] i. <input checked="" type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 5. <input checked="" type="checkbox"/> Incorporation By Reference (useable if Box 4b is checked) The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.				6. <input type="checkbox"/> Microfiche Computer Program (Appendix) 7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input type="checkbox"/> Computer Readable Copy b. <input type="checkbox"/> Paper Copy (identical to computer copy) c. <input type="checkbox"/> Statement verifying identity of above copies ACCOMPANYING APPLICATION PARTS 8. <input type="checkbox"/> Assignment papers (cover sheet & document(s)) 9. <input type="checkbox"/> 37 CFR 3.73(b) Statement (When there is an assignee) <input type="checkbox"/> Power of Attorney 10. <input type="checkbox"/> English Translation Document (if applicable) 11. <input type="checkbox"/> Information Disclosure Statement (IDS) /PTO-1449 <input type="checkbox"/> Copies of IDS Citations 12. <input checked="" type="checkbox"/> Preliminary Amendment 13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) 14. <input type="checkbox"/> Small Entity Statement(s) <input type="checkbox"/> Statement filed in prior application, status still proper and desired 15. <input checked="" type="checkbox"/> Certified Copy of Priority Document <input checked="" type="checkbox"/> Priority of application No. 9125768.3 filed on December 4, 1991 in Great Britain is claimed under 35 USC 119. <input checked="" type="checkbox"/> The certified copy has been filed in prior application Serial No. 08/244,316. 16. <input type="checkbox"/> Other: <input type="checkbox"/> Copy of Notice of Recordation of Assignment Document <input type="checkbox"/> Request for Change of Corresponding Address			
17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information: <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) <div style="text-align: right;">of prior application No.: <u>08/244,316</u></div>							
18. CORRESPONDENCE ADDRESS							
<input checked="" type="checkbox"/> Customer Number or Bar Code Label <u>020374</u>				<input type="checkbox"/> Correspondence address below			
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JC803 U.S. PTO



07/11/00

July 11, 2000

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09/16/823



BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Re: Application of Masuzawa, MASAHIRO et al.
DISKETTE INCORPORATING PERMANENT MAGNET GENERATOR
Our Ref. Q60064

Dear Sir:

Attached hereto is the application identified above including 31 sheets of the specification (abstract included) and claims, 13 sheets of formal drawings, executed Assignment and PTO 1595 form, and executed Declaration and Power of Attorney. Also enclosed is the Information Disclosure Statement.

The Government filing fee is calculated as follows:

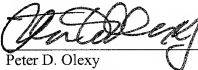
Total claims	23	-	20	=	3	x	\$18.00	=	\$54.00
Independent claims	2	-	3	=		x	\$78.00	=	\$0.00
Base Fee									\$690.00
TOTAL FILING FEE									\$744.00
Recordation of Assignment									\$40.00
TOTAL FEE									\$784.00

Checks for the statutory filing fee of \$744.00 and Assignment recordation fee of \$40.00 are attached. You are also directed and authorized to charge or credit any difference or overpayment to Deposit Account No. 19-4880. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 and any petitions for extension of time under 37 C.F.R. § 1.136 which may be required during the entire pendency of the application to Deposit Account No. 19-4880. A duplicate copy of this transmittal letter is attached.

Priority is claimed from Japanese Application No. Hei. 11(99)-202415 filed on July 16, 1999 and Japanese Application No. 2000-71573 filed on March 15, 2000, respectively. The priority documents will be filed at a later date.

Respectfully submitted,
SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
Attorneys for Applicant

By:


Peter D. Olexy
Registration No. 24,513

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Geoffrey HALE et al.

Continuation Application of
Serial Number: 08/244,316

Filed: June 22, 1994

For: CDw52-SPECIFIC ANTIBODY FOR TREATMENT OF MULTIPLE SCLEROSIS

PRELIMINARY AMENDMENT

Assistant Commissioner
For Patents
Washington, D.C. 20231

July 11, 2000

Sir:

Prior to calculation of the fee and examination on the merits
of the above-identified patent application, please amend the
application as follows:

IN THE SPECIFICATION:

Page 1,

insert at the beginning:

--This application is a continuation of application

CONTINUATION APPLICATION OF
Serial Number 08/244,316
PRELIMINARY AMENDMENT

PATENT

Serial No. 08/244,316 filed June 22, 1994, which is a 371
of PCT/GB92/02252 filed December 4, 1992.--

IN THE CLAIMS:

Please cancel claims 1-10 and 14-15.

Please add the following new claims to the application:

16. (New) A method in accordance with claim 11, 12 or 13,
wherein the antibody is administered daily at a dose ranging from
1 to 100 mg per day for a period of 1 to 30 days.

17. (New) A method in accordance with claim 16, wherein
the antibody is administered daily at a dose ranging from 1 to 10
mg per day.

18. (New) A method in accordance with claim 11, 12 or 13,
which further comprises the administration of a steroid.

19. (New) A method in accordance with claim 18, wherein

the steroid is a hydrocortisone.

20. (New) A method in accordance with claim 13, wherein the antibody was produced in CHO cells.

21. ~~(New)~~ A therapeutic agent which comprises (a) an antibody which recognizes the CDw52 antigen and (b) a steroid, wherein the antibody and the steroid are provided in amounts effective for treating multiple sclerosis.

REMARKS

The specification has been amended to identify a prior related application.

Support for new claim 16 can be found on page 4, lines 10-12 of the specification. Support for new claim 17 can be found on page 4, lines 12-14. Support for new claims 18, 19 and 21 is found on page 4, lines 30-34. New claim 20 is supported by the specification on page 3, lines 2-4. No new matter is added to the application by the addition of these new claims.

CONTINUATION APPLICATION OF
Serial Number 08/244,316
PRELIMINARY AMENDMENT

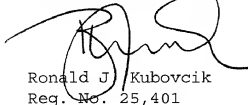
PATENT

Applicants respectfully submit that the claims of the application, as amended, are in condition for allowance.

In the event any additional fees are required, please charge our Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK



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CDW52 - SPECIFIC ANTIBODY FOR TREATMENT OF MULTIPLE SCLEROSIS

The present invention relates to a method of treatment of certain auto-immune conditions in a human or animal subject.

5 The cells and molecules in an animal body do not normally stimulate an adaptive immune response in that body as a result of a number of mechanisms which ensure a state referred to as "self-tolerance". However, in certain
10 circumstances these mechanisms may fail to prevent the stimulation of such an immune response and this condition is referred to as "auto-immunity". A number of diseases in humans and animals are now thought to result from auto-immunity.

15 Multiple sclerosis is a demyelinating disease of the central nervous system the onset of which generally occurs within the age range from about 15 to 45. Myelin is a fatty substance which forms a sheath around certain nerve fibres and which conducts nervous impulses at a rate which enables muscles to make precise and delicate movements.
20 The disease is characterised by induration of the sheath substance leading to the formation of plaques of varying size and location which interfere with the impulses normally conducted by the sheath. The course of the disease can be highly variable in individual patients and
25 may be subject to periods of spontaneous remission. However, the disease generally results in progressive deterioration of the control of muscle function with ultimate paralysis in many cases. The precise cause of multiple sclerosis is unknown and it may result from a
30 complex interaction of a number of different factors. However, it is now generally recognised that there is at least an autoimmune component in the causation of the disease.

35 The CDW52 antigen (a 23kDa glycoprotein also referred to as CAMPATH-1) is strongly expressed on the surface of all human lymphocytes and most monocytes but is absent from

other blood cells including stem cells. A number of antibodies have been developed directed against CDw52 which is an unusually good target for complement-mediated attack. Antibodies against CDw52 bind to all lymphocytes and monocytes but lyse only lymphocytes (T and B) in vivo. Antigens similar to CDw52 are expressed in other mammalian species.

Antibodies which have been developed against CDw52 and which have been used in therapy include the following:

CAMPATH-1M is a rat IgM monoclonal antibody which has been used extensively in vitro for purging bone marrow harvests in order to deplete the T cell population prior to bone marrow transplantation. Marked reduction in the incidence and severity of graft-versus-host disease has been seen with this therapy.

CAMPATH-1G is a rat IgG2b class-switch variant of an IgG2a antibody recognising the CDw52 antigen which has been used in vivo to achieve immunosuppression in more than 100 patients undergoing organ and bone marrow transplantation, management of organ rejection and treatment of haematologic malignancies with a high level of success. However, the rapid development of an anti-rat immunoglobulin response, including the possibility of anaphylaxis, is likely to limit the use of rat monoclonal antibodies against the CDw52 antigen in humans in vivo.

CAMPATH-1H is a genetically manipulated IgG antibody obtained by grafting the complementarity determining regions from CAMPATH-1G into human framework regions. The resulting "humanized" antibody is highly effective in vitro being equivalent to the rat monoclonal antibody at complement lysis and two to four times better in cell-mediated lysis of human lymphocytes. No limiting anti-globulin response is anticipated with this humanized antibody.

Expression of CAMPATH-1H was achieved initially in rat myeloma cells by placing DNA encoding the engineered

antibody chains in genomic context under control of the immunoglobulin promoter/enhancer. CAMPATH-1H has recently been expressed to high levels in Chinese hamster ovary (CHO) cells.

5 It has now surprisingly been found that antibodies against the CDw52 antigen may be effective in the treatment of multiple sclerosis.

The present invention provides a method of treatment of a human subject suffering from multiple sclerosis which
10 comprises administering to the said subject an effective amount of an antibody recognising the CDw52 antigen.

The present invention also provides the use of an antibody recognising the CDw52 antigen for the manufacture of a medicament for the treatment of multiple sclerosis.

15 It is preferred to use an anti-CDw52 antibody which does not carry with it the risk of the development of an immune reaction against the anti-body itself. Accordingly whilst it is possible to use mouse or rat mono-clonal antibodies it is preferred to use antibodies which have
20 been produced by recombinant DNA technology and which have been engineered to reduce the risk of causing an immune reaction. Thus it is possible to use a chimeric antibody in which the constant domains of a mouse or rat anti-CDw52 antibody have been replaced by the constant domains of a
25 human antibody. However, it is preferred to use a humanized or CDR-grafted antibody for the treatment of humans, i.e. an antibody in which the complementarity determining regions from a mouse or rat antibody are combined with framework regions and constant domains from
30 one or more human antibodies.

Most preferably the method according to the invention is carried out using the CDR-grafted antibody CAMPATH-1H (see Riechmann et al, Nature, 222, 323-327 (1988)). As noted above, the antibody CAMPATH-1H can be produced in rat
35 myeloma cells as originally described or it can be produced in any other expression system, particularly an expression

system suitable for the production of a correctly folded, glycosylated, mammalian protein. High yields of CAMPATH-1H have been obtained by expression in a genetically manipulated CHO cell line (Page and Sydenham, Biotecnology, 2, 64-68 (1991)).

The dosages of anti-CDw52 antibody, preferably CAMPATH-1H, to be administered to a patient suffering from multiple sclerosis will vary with the precise nature of the condition being treated and the recipient of the treatment. The dose will generally be in the range 1 to about 100mg for an adult patient, usually administered daily for a period between 1 and 30 days. The preferred daily dose is 1 to 10mg per day although in some instances larger doses of up to 40mg per day may be used.

The anti-CDw52 antibody, particularly CAMPATH-1H will generally be administered to the patient in the form of a pharmaceutical formulation. Such formulations preferably include, in addition to the antibody, a physiologically acceptable carrier or diluent, possibly in admixture with one or more other agents such as other antibodies or drugs, such as an antibiotic. Suitable carriers include, but are not limited to, physiological saline, phosphate buffered saline, phosphate buffered saline glucose and buffered saline. Alternatively the antibody may be lyophilised (freeze dried) and reconstituted for use when needed by the addition of an aqueous buffered solution as described above. Routes of administration are routinely parenteral, including intravenous, intramuscular, subcutaneous and intraperitoneal injection or delivery.

The anti-CDw52 antibody may be administered in combination with or sequentially with other drugs, in particular other drugs conventionally used in the treatment of multiple sclerosis, such as steroids, for example hydrocortisones such as methyl prednisolone, or other medicaments for the alleviation of specific symptoms of the disease. Sequential administration of the antibody with

another drug may be appropriate in some cases.

The invention is illustrated by the following case history of a patient treated with the CDR-grafted anti-CDw52 antibody CAMPATH-1H. The antibody used was produced by expression in a recombinant CHO cell line (Page and Sydenham, Biotechnology, 9, 64-68 (1991)) followed by extraction from the cell culture medium and purification.

It is to be understood that the following case history is not intended to be in any way limiting on the scope of the invention.

CASE HISTORY

The patient was a 43 year old female who sought medical attention after 10 days of progressive loss of sensation in her perineum. She had also experienced several episodes of urinary and fecal incontinence. Clinical evaluations were remarkable for normal visual evoked responses, multiple white matter abnormalities in the cerebral hemispheres identified by brain MRI, and oligoclonal bands in the CSF; a diagnosis of multiple sclerosis was made.

Treatment with high-dose iv methylprednisolone induced an incomplete recovery (decreased incontinence with continued perineal numbness and stiff legs). Four months after initially seeking medical attention, the patient had an episode of left-sided facial pain and left leg numbness consistent with brainstem demyelination. Over the next twelve months symptoms gradually worsened and at the end of this period the patient was admitted to hospital with left optic neuritis and Lhermitte's phenomenon. A second course of iv methylprednisolone (500 mg/day for five days) was associated with limited improvement. The disease was judged to have entered a chronic progressive phase and over the next few months the patient suffered further identifiable episodes of brainstem demyelination and left optic neuritis.

Twenty months after she initially sought medical

attention, the patient received treatment with CAMPATH-1H (2 mg/day iv for five days, two days rest, then 10 mg/day iv for five days). Lymphocyte depletion was rapid, falling to 0.2×10^6 cells/L on the second dosing day from a pretreatment value of 3.8×10^6 cells/L. Lymphocyte counts remained less than 0.3×10^6 for approximately one month and then rose slowly to a value of 1.07×10^6 cells/L three months after treatment. CRP, within normal limits prior to treatment, increased to 140 mg/L, fell, and increased again to 91 mg/L on dosing days three and nine, respectively. This "double-peaked" pattern was also seen with neutrophils which increased during the same time course and coincided with the second and third dosing days at 2 and 10 mg respectively (10 mg doses followed a two day rest).

Disease activity was not significantly altered during or immediately following CAMPATH-1H treatment. Kurtzke neurological status at approximately one and two months after initiation of treatment was improved to a composite score of 11 from a pretreatment score of 14. A second rating system for scoring disease activity in demyelinating disease also documented improvement in the progression, disability and relapse assessment categories.

The 10 dose CAMPATH-1H treatment course was well tolerated. Fever and headache were reported as adverse events with both occurring with administration of the first 2 mg and 10 mg doses. Also reported was transient left-sided visual disturbance on day three, the significance of which was unclear in the light of the pre-existing left optic neuritis.

Approximately 18 months after the treatment with CAMPATH-1H, the improvement in the condition of the patient had been maintained.

CLAIMS:

1. The use of an antibody recognising the CDw52 antigen for the manufacture of a medicament for the treatment of multiple sclerosis.

2. The use according to Claim 1 wherein the antibody is a humanised antibody, including CDRs from a mouse or rat antibody combined with framework regions and constant domains from one or more human antibodies.

3. The use according to Claim 2 wherein the antibody is CAMPATH-1H.

4. The use according to any of Claims 1 to 3 wherein the treatment involves daily administration to a patient of a dose of from 1 to 10 mg per day for a period of 1 to 30 days.

5. The use according to any of Claims 1 to 4 wherein the treatment includes administration of a steroid.

6. A therapeutic agent for the treatment of multiple sclerosis comprising an antibody recognising the CDw52 antigen as the active ingredient.

7. A therapeutic agent according to Claim 6 wherein the antibody is a humanised antibody including CDRs from a mouse or rat antibody combined with framework regions and constant domains from one or more human antibodies.

8. A therapeutic agent according to Claim 7 wherein the antibody is CAMPATH-1H.

9. A therapeutic agent according to any of Claims 6 to

8 wherein the daily dose of the antibody is from 1 to 10 mg per day for a period of 1 to 30 days.

5 10. A therapeutic agent as claimed in any of Claims 6 to 9 wherein the treatment includes administration of a steroid.

10 ~~11.~~ A method for the treatment of a human subject suffering from multiple sclerosis which comprises administering to the said subject an effective amount of an antibody recognising the CDw52 antigen.

15 12. A method according to Claim 11 wherein the antibody is a humanised antibody including CDRs from mouse or rat antibody combined with framework regions and constant domains from one or more human antibodies.

20 13. A method according to Claim 12 wherein the antibody is CAMPATH-1H.

25 14. A method according to any of Claims 11 to 13 which comprises daily administration of the antibody at a dose of from 1 to 10 mg per day for a period of 1 to 30 days.

15. A method according to any of Claims 11 to 14 which includes administration of an effective amount of a steroid.

COPY

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

(includes Reference to PCT International Applications)

Attorney's Docket No.

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

THERAPEUTIC METHOD

the specification of which (check only one item below)

- ☐ is attached hereto
- ☐ was filed as United States application
Serial No.
on
and was amended
on (if applicable)
- ☒ was filed as PCT international application
Number **PCTGB9202252**
on **04 Dec 1992**
and was amended under PCT Article 19
on (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:

COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
Great Britain	9125768.3	04 Dec 1991	YES

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

U.S. APPLICATIONS

U.S. APPLICATION NUMBER	U.S. FILING DATE	STATUS
None		

PCT APPLICATIONS DESIGNATING THE U.S.

PCT APPLICATION NO.

PCT FILING DATE

U.S. SERIAL NUMBERS
ASSIGNED (if any)

STATUS

None

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (*List name and registration number*)

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G. Franklin Rothwell	18125	Mary B. Stohler	32176
Frank L. Neuhauser	14375	Lawrence G. Norris	18034
E. Anthony Figg	27195	Bart G. Newland	31282
Donald W. Marks	24218	William T. Enos	33128
Barbara G. Ernst	30377		

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Name :

Telephone No.:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Great Britain

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Geoffrey HALE
Month (in full) May Day 26, 19 94

Dated :

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Herman Waldmann
Month (in full) May Day 25, 19 94

Dated :

Month (in full) Day Year

05643223-071100